

North Little Rock Planning Commission
Regular Meeting
April 14, 2009

Chairman Clifton called the regular meeting of the North Little Rock Planning Commission to order at 4:45 PM in the Council Chambers, City Hall.

Members Present:

Alexander
Armstrong
Belasco
Dietz
Foster
Parker
White, Vice Chairman
Clifton, Chairman

Members Absent:

Chambers, (excused)

Staff Present:

Robert Voyles, Director
Shawn Spencer, Assistant Director
Sheryl Ricker, Secretary

Others Present:

Paula Jones, Asst. City Attorney
Beth White, Alderwomen
Jeremy Peppas, NLR Times
Jake Sandlin, Ark. Demo-Gazette
Don Wood, Code Enforcement

Administrative:

- Mr. Voyles stated the tent Special Use at McCain Mall will expire at the end of this year.
- Mr. Voyles stated that the May Subdivision meeting has been cancelled which would have been held on April 22nd.

Approval of Minutes:

Motion was made and seconded to approve the March minutes as submitted. The minutes were approved with eight (8) affirmative votes.

Motion was made and seconded to excuse Mr. Chambers from today's meeting. This was approved with eight (8) affirmative votes.

Subdivision Administrative:

A. Rep-2142-09 Riverpointe Plaza Add, Lots 2A and 2B (Replat and Site Plan Review of a One Banc branch office located at 11525 Maumelle Blvd)

- 1. Meet the requirements of the City Engineer, including:**
 - a. Storm water detention provided subdivision wide.
 - b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
 - c. Driveways no closer than 10' of other property lines.
 - d. The first floors of any building are to be a minimum of 1' above any flood plain.
 - e. Driveway radii returns built to City Engineer's specifications.
 - f. Provide handicap ramps on sidewalks.
- 2. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
 - b. Final plat and/or Site Plan Review of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before the final plat will be signed or a building permit issued.
 - c. No dumpster proposed for this site.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. No sidewalks required on Maumelle Blvd.
- 4. Meet the requirements of the Screening and Landscaping ordinance, including:**
 - a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
 - b. Provide irrigation to all required trees.
 - c. Provide 3 street trees as shown.
 - d. Provide 7 shade trees as shown.
 - e. Provide a continuous screen for any parking spots that face a street or abutting property.
- 5. Meet the following requirements concerning signage:**
 - a. All signs require a permit and separate review.
 - b. Wall signs only permitted on south side (Maumelle Blvd side) of building.
 - c. Approve ground mounted sign as shown.
 - d. No pole sign permitted.
- 6. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
 - b. Fire hydrants to be within 400 feet of all areas of building.
- 7. Meet the requirements of the CAW and NLR Wastewater and Electric, including:**
 - a. Provide utility easements.
 - b. All CAW requirements in effect at the time of request for water service must be met.
 - c. Contact CAW for requirements on backflow protection on meter services.
 - d. A complete set of drawings for development must be submitted to NLR Wastewater.

Chairman Clifton stated all the requirements have been met.

Chairman Clifton moved to approve the application as submitted. It was seconded. There were no additional comments from Commissioners or the audience. The motion to approve as submitted passed with eight (8) affirmative votes.

B. NS-2143-09 Desoto Sand Add, Lot 1 (Preliminary Plat and Site Plan Review of Desoto Sand located at 220 Sand River Road – outside City limits)

Meet at 4:15 on May 12th for subdivision review (City Hall).

1. Meet the requirements of the City Engineer, including:

- a. Detention or in-lieu fee not appropriate. Area in low land in zone C and zone AH.
- b. Avoid any adjoining wetland or obtain clearance from the Corp of Engineers.
- c. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
- d. The first floors of any building are to be a minimum of 1' above any flood plain.
- e. Driveway radii returns built to City Engineer's specifications.
- f. Drainpipes in the ROW are to be RCP with flared end section.
- g. All driveways are to be concrete in the ROW.
- h. Loaded trucks not to use Faulkner Lake east of Brett Rd.
- i. If point of access is changed the developer will build a left turn lane on Faulkner Lake Rd.
- j. Submit revised site plan for next months meeting.

2. Meet the requirements of Community Planning, including:

- a. Attain City Council approval of Special Use.
- b. Provide certificate for County to sign plat. County must sign plat before City will sign.
- c. Show 40 foot front and side building setback lines (per County req.)
- d. Provide the standard requirements of Zoning and Development Regulations.
- e. Final plat and/or Site Plan Review of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before the final plat will be signed or a building permit issued.
- f. Set the 2 required subdivision boundary corner monuments with blank brass caps. This is to be done before a final plat will be signed.
- g. Obtain and submit a standard control data form for each required subdivision boundary corner tied to a NLR geodetic control monument by closed traverse before the final plat will be signed.
- h. Provide dumpster location with screening to match building.

3. Meet the requirements of the Master Street Plan, including:

- a. Provide 5' sidewalks/ramps to ADA standards and City standards or signed waiver.
- b. Where there is base failure between Brett Rd and I440, as determined by the City Engineers office, it will be repaired by the Developer and approved by the City Engineer.
- c. Provide ROW dedication.

4. Meet the requirements of the Screening and Landscaping ordinance, including:

- a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
- b. Provide irrigation to all required trees or provide plan.
- c. Provide 22 street trees as shown
- d. Provide 1 parking lot shade tree.

5. Meet the following requirements concerning signage:

- a. All signs require a permit and separate review.
- b. Provide sign location on site plan.

- c. No pole sign permitted.
- 6. Meet the requirements of the Fire Marshal, including:**
 - a. Site is in the county.
- 7. Meet the requirements of the NLR Wastewater and Electric, including:**
 - a. Provide utility easements, if required.
 - b. A complete set of drawings for development must be submitted to NLR Wastewater.
- 8. Meet the requirements of Pulaski County, including:**
 - a. Meet all of County requirements.

Chairman Clifton stated the applicant agreed to all of the requirements.

Mr. Voyles asked if the Planning Commission can direct staff to approve a grading permit until next months vote.

Chairman Clifton stated that was agreed to when the subdivision committee met. We will allow the applicant to start his grading. He will have to get a grading permit.

Chairman Clifton moved to approve the amendments and the application will be heard at next months meeting. It was seconded. There were no additional comments from Commissioners or the audience. The motion to approve as submitted passed with eight (8) affirmative votes.

C. NS-2144-09 Villas of NLR, Lots 1 and 2 (Preliminary Plat and Site Plan Review of apartment building located at SW corner of Pershing and Pershing Circle)

- 1. Meet the requirements of the City Engineer, including:**
 - a. Provide storm water detention. Storm Water Detention calculations are to be approved by City Engineer and an approved copy provided to Planning Department.
 - b. Avoid any adjoining wetland or obtain clearance from the Corp of Engineers.
 - c. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
 - d. The first floors of any building are to be a minimum of 1' above any flood plain.
 - e. Driveways no closer than 35' of adjoining streets or 10' of other property lines.
 - f. Driveway radii returns built to City Engineer's specifications. Both entrances encroach onto next property.
 - g. Drainpipes in the ROW are to be RCP with flared end section.
 - h. All driveways are to be concrete in the ROW.
 - i. Secure curb cut from City Engineer.
 - j. Grading plan must be approved by City Engineer.
 - k. Repair outfall of 36" RCP along Falling Creek Drive.
- 2. Meet the requirements of Community Planning, including:**
 - a. Detention must be on same lot as building. Lot could be sold off and detention filled in by new owner or new owner may not maintain the pond. Do not allow lot split as shown.
 - b. Provide the standard requirements of Zoning and Development Regulations.
 - c. Final plat and/or Site Plan Review of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before the final plat will be signed or a building permit issued.

- d. Set the 2 required subdivision boundary corner monuments with blank brass caps. This is to be done before a final plat will be signed.
 - e. Obtain and submit a standard control data form for each required subdivision boundary corner tied to a NLR geodetic control monument by closed traverse before the final plat will be signed.
 - f. Dumpster screening to match building.
 - g. No fence is to be within a front building line.
- 3. Meet the requirements of the Master Street Plan, including:**
- a. Provide 5' sidewalks/ramps to ADA standards and City standards.
 - b. Show sidewalks on Falling Circle.
 - c. Provide ROW dedication.
- 4. Meet the requirements of the Screening and Landscaping ordinance, including:**
- a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
 - b. Provide irrigation to all required trees.
 - c. Provide street trees 40' on center along Falling Creek Dr and Pershing Cir – where grading has occurred.
 - d. If street trees are not proposed in the undisturbed areas along Pershing Cir and Pershing Blvd, provide a platted undisturbed area to guarantee safety of trees.
 - e. Provide 28 parking lot shade trees as shown.
 - f. Provide a continuous screen for any parking spots that face a street or abutting property (not shown).
- 5. Meet the following requirements concerning signage:**
- a. All signs require a permit and separate review.
 - b. Sign in bad location – will block view of oncoming vehicles as a car exits site.
 - c. No pole sign permitted.
- 6. Meet the requirements of the Fire Marshal, including:**
- a. Provide an approved fire protection plan.
 - b. Fire hydrants to be within 400 feet of all areas of building.
 - c. All exterior portions of a building must be within 150' of a FD access road.
 - d. Provide fire lane and gate each end of the fire lane.
- 7. Meet the requirements of the CAW and NLR Wastewater and Electric, including:**
- a. Provide utility easements.
 - b. All CAW requirements in effect at the time of request for water service must be met.
 - c. Contact CAW for requirements on backflow protection on meter services.
 - d. A complete set of drawings for development must be submitted to NLR Wastewater.

Chairman Clifton moved to approve the application as submitted. It was seconded. There were no additional comments from Commissioners or the audience. The motion to approve as submitted passed with eight (8) affirmative votes.

D. NS-2043-07 Rockwater Village (12 month extension of Preliminary Plat and Site Plan Review of a TND neighborhood located along River Road).

Chairman Clifton stated the applicant is asking for a 12 month extension of the Preliminary Plat and Site Plan Review.

Chairman Clifton moved to approve the application as submitted. It was seconded. There were no additional comments from Commissioners or the audience. The motion to approve as submitted passed with eight (8) affirmative votes.

E. SPR-2146-09 D and B Commercial Park, Lot 22 (Site Plan Review of a fire station located at southeast corner of Blaze and Smitty Drives)

1. Meet the requirements of the City Engineer, including:

- a. Provide storm water detention. Storm Water Detention calculations are to be approved by City Engineer and an approved copy provided to Planning Department.
- b. Avoid any adjoining wetland or obtain clearance from the Corp of Engineers.
- c. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
- e. Allow 70' wide driveway.
- f. The first floors of any building are to be a minimum of 1' above any flood plain.
- g. Driveway radii returns built to City Engineer's specifications.
- h. Drainpipes in the ROW are to be RCP with flared end section.
- i. All driveways are to be concrete in the ROW.
- j. Secure curb cut from City Engineer.

2. Meet the requirements of Community Planning, including:

- a. Provide the standard requirements of Zoning and Development Regulations.
- b. Site Plan Review of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before a building permit issued.
- c. Provide dumpster location with screening to match building.

3. Meet the requirements of the Master Street Plan, including:

- a. Sidewalks previously waived.

4. Meet the requirements of the Screening and Landscaping ordinance, including:

- a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
- b. Provide irrigation to all required trees.
- c. Provide street trees 40' on center.

5. Meet the following requirements concerning signage:

- a. All signs require a permit and separate review.
- b. Provide sign location on site plan.
- c. No pole sign permitted.

6. Meet the requirements of the Fire Marshal, including:

- a. Provide an approved fire protection plan.
- b. Provide an emergency signal at Blaze Dr. and Hwy 165.

7. Meet the requirements of the CAW and NLR Wastewater and Electric, including:

- a. All CAW requirements in effect at the time of request for water service must be met.
- b. Contact CAW for requirements on backflow protection on meter services.
- c. Sanitary sewer is available and a main extension will be required,
- d. A complete set of drawings for development must be submitted to NLR Wastewater.

Mr. Voyles stated the only waiver being requested is on the driveway, they are proposing the driveway at 70 feet, where we have a 40 foot limit.

Mr. Armstrong made a motion to table the vote until next month when they have more information before them.

The motion died for lack of a second.

Chairman Clifton moved to approve the application. It was seconded. There were no additional comments from Commissioners or the audience. The motion to approve as submitted it passed with six (6) affirmative votes. Mr. Foster and Mr. Dietz abstained from voting.

Public Hearing – Old Business:

NONE

Public Hearing – New Business:

1. **Conditional Use #52.** To allow a daycare center in a C-4 zone. The request is located at 2730 Pike Avenue.

Chairman Clifton asked the applicant to come forward and state their name for the record.

Ms. Wade stated her name was April Wade.

Chairman Clifton stated the applicant met with the subdivision committee and with the Fire Marshal's office. The Subdivision Committee has concerns with the daycare being located next to a bar. He stated DHS doesn't have any requirements on what type of business can be next to a daycare. He stated the Fire Marshal's office said the building was not currently up to code but could be brought up to code with proper permits and inspections. He stated this is a Conditional use so they can put any kind of limitations on this.

Ms. Alexander asked where the children would play outside. She stated she has concerns with the size of the play area.

Ms. Wade stated at first they were going to use just the back yard; then DHS came out and said they could use the side yard also, where the grassy area was.

Ms. Alexander asked if they were going to put up a privacy fence around that area also.

Ms. Wade said they were.

Mr. Foster asked if there was a way to separate their parking needs from the bar's parking needs.

Pastor Wade stated yes there would be. The bar is not as close as it looks.

Mr. Foster asked if the daycare is associated with the church.

Pastor Wade stated it is.

Mr. Parker stated their primary concern is for the welfare of the children. The fence screening is one issue. The playground and the grassy area is another issue. He doesn't feel the bar is a problem. His main concern is that all the requirements set by the City be met by the applicant.

Ms. Wade stated they are not going to do any cooking in the building. They are going to have their food catered in. DHS will have to approve who ever they choose to cater the food.

The Conditions are as follows:

1. applicant must meet all applicable Federal, State, County and City requirement.
2. playground to meet DHS and City of NLR requirements for playground surface and equipment,
3. business license to be issued after Planning Staff confirmation of requirements,
4. playground fence to be 6 foot wood privacy fence with a gate on north side for emergency exit,
5. hours of operation to be 6am – 7pm daily.

Chairman Clifton asked for a roll call vote on the application.

Alexander	Yes	Foster	Yes
Armstrong	Yes	Parker	Yes
Belasco	Yes	White	Yes
Dietz	Yes	Clifton	Yes

2. **Conditional Use #53.** To allow tire sales in a C-3 zone. The request is located at 2424 Pike Avenue.

Chairman Clifton asked the applicant to come forward and state their name for the record.

Mr. Tolliver stated his name is John Tolliver and he along with his son is owner/operator of Discount Muffler Shop.

Chairman Clifton stated the applicant met with the Subdivision Committee. He asked if applicant was familiar and willing to meet with all the conditions the subdivision recommended.

Mr. Tolliver stated he was.

Chairman Clifton asked if there was anyone in the audience that wanted to speak for or against the application.

Mr. Foster questioned the 8 foot front yard fence.

Mr. Voyles stated this is zoned C3. This is a muffler shop; then the tire sales started. It was pointed out that they are not supposed to be selling tires there. The building is not large

enough to accommodate the tires without them being stored outside. This would start a bad precedence; we recently discussed this on our zoning ordinance. Our current proposal is not to allow tires to be stored outside

Mr. Armstrong asked if you have to have a license to sell tires.

Mr. Tolliver stated that you need one, but he was not aware of that until recently.

Mr. Voyles stated the applicant is here to ask for a special permit in a C3 to store tires outside. He has to have Planning Commission's approval and City Council's approval before he can store the tires.

Chairman Clifton asked the applicant how long he has been in business there.

Mr. Tolliver stated it has been six (6) years.

Chairman Clifton asked if there has been any problems there from anyone, or Code.

Mr. Spencer stated this came about because of the Board of Adjustment. He asked the applicant if he was cited by Code.

Mr. Tolliver stated he was and that the Judge is putting off his decision until after this meeting.

Mr. Dietz asked about staff requiring a privacy fence.

Mr. Spencer stated Staff did not ask for the fence, this was the applicant's proposal.

Mr. Armstrong asked if he was able to move the tires inside now.

Mr. Tolliver stated it would be difficult. My proposal is to put the fence up and plant trees to hide the outdoor storage of tires.

Mr. Parker stated the privacy fence is a step in the right direction.

The Conditions are as follows:

1. provide a 21' x 8' front yard wood privacy,
2. allow outdoor display of tires behind fence during open hours,
3. tire display not to extend above fence,
4. hours of operation limited to Monday through Friday 7:30am to 5pm, and Saturdays 7am to 2pm,
5. provide a 2' x 2' x 21' planter with plants as shown on drawing,
6. applicant must meet all applicable Federal, State, County, and City requirements,
7. business license to be issued after Planning Staff confirmation of requirements,
8. tires to be kept behind the fence during open hours.

Chairman Clifton asked for a roll call vote on the application.

Alexander	Yes	Foster	Yes
Armstrong	Yes	Parker	Yes
Belasco	Yes	White	Yes
Dietz	Yes	Clifton	Yes

Mr. Voyles asked if we were allowing outdoor storage of tires. He stated the Subdivision Committee conditions say no outdoor storage.

Chairman Clifton stated yes, we are allowing it.

Mr. Voyles stated he would remove it from the conditions and let the Council know.

3. **Rezone # 1483.** To rezone from R-2 to C-3 to allow a commercial development. The request is located near the Cypress Crossing Subdivision on Hwy 165.

Chairman Clifton asked the applicant to come forward and state their name for the record.

Mr. David Jones with Marlar Engineering stated he is representing the owner.

Chairman Clifton stated the site plan has been submitted.

Mr. Jones stated this area is starting to get a lot of residential building. There is no place to buy groceries for a long distance. There is an interest from commercial store chains to build in that area, to find property that is zoned commercial that is big enough to put in a large retail store, supermarket, and maybe those who want an outparcel can have one. This is the only direction North Little Rock has left to grow.

Chairman Clifton asked if there is anyone who wants to speak for or against this application.

Mr. Foster asked what the zoning west of the area is.

Mr. Jones stated it is R-2; there is a single family development, Cypress Crossing which is owned by the same developer.

Mr. Parker stated it would be like Lakewood Village. Would there be any provisions for screening?

Mr. Jones stated that would be addressed when it goes through site plan review.

Chairman Clifton asked for a roll call vote on the application.

Alexander	Yes	Foster	Yes
Armstrong	Yes	Parker	Yes
Belasco	Yes	White	Yes
Dietz	Yes	Clifton	Yes

4. **Special Use #672.** To allow sand and gravel mining and processing in an I-2 zone. The request is located at 220 Sand River Road.

Chairman Clifton asked the applicant to come forward and state their name for the record.

Mr. Neal Morrison stated he is the agent for Desoto Sand.

Chairman Clifton asked the applicant if he has read the comments from the Subdivision Committee and does he agree to all of them.

Mr. Morrison stated he has read them and agrees to all of them.

Chairman Clifton asked if he agrees to submit a revised site plan at next months meeting.

Mr. Morrison agreed to this.

Chairman Clifton asked if there is anyone who wants to speak for or against this application.

Mr. Voyles stated they had a meeting with both the City & County Engineering Depts. They don't want big trucks going back and forth. The road is already failing. The trucks will be weighing 80,000 pounds and there would be about 200 trucks a day. Planning staff suggested trying to find a route to the west, to Brett Road (a private road). They are agreeable to this. Everything is not in place yet. We need some sort of agreement to move forward.

Chairman Clifton asked what Staff's recommendation is.

Mr. Voyles stated staff is recommending with approval, all loaded vehicles access to Faulkner Lake at the intersection at Brett Rd. and Faulkner Lake Rd. not east of that point.

Mr. White asked what is to prevent them from going in and out the same way they do now.

Chairman Clifton stated if we put it in as a condition of the special use and they don't abide by it we can revoke the special use.

The Conditions are as follows:

1. obtain a wetland determination and 404 permit from the Corps of Engineers,
2. reconstruct the bridge on Faulkner Lake Rd. or strengthen the road from I-440 to this property,

3. meet all applicable Federal, State, County and City requirements.

Chairman Clifton asked for a roll call vote on the application.

Alexander	Yes	Foster	Yes
Armstrong	Yes	Parker	Yes
Belasco	Yes	White	Yes
Dietz	Yes	Clifton	Yes

5. Public Hearing # 1484. To amend the Bike Plan in the Rose City area.

Chairman Clifton asked Mr. Voyles to explain the proposed amendment to the Bike Plan.

Mr. Voyles showed a map that had the proposed bike route on it. He stated this route is called Harper's Loop and it provides a route from downtown to the eastern portions of the City and County. He stated this route would go behind Rose City Salvage; this would avoid the dangerous intersection at Highway 70 and Highway 165. We are in negotiations with the Railroad for an easement. We have not completed them yet. We are making some progress. The Mayor would like us to move quickly on this.

Mr. White asked if there is a cross gate on the east side.

Mr. Voyles stated no the Rail yard has a flashing signal only, no gates.

Mr. Foster asked if this was to avoid a safety problem.

Mr. Voyles stated it was.

Chairman Clifton asked if there was anyone else that wanted to speak for or against this.

Chairman Clifton asked for a roll call vote on the application.

Alexander	Yes	Foster	Yes
Armstrong	Yes	Parker	Yes
Belasco	Yes	White	Yes
Dietz	Yes	Clifton	Yes

6. Public Hearing #1485. To amend the Master Street Plan – North Belt Freeway

Chairman Clifton asked Mr. Voyles to explain the amendment to the Master Street Plan/ North Belt.

Mr. Voyles stated last year the AHTD and the Federal Highway Commission selected another specific alignment for the North Belt Freeway. Our current Master Street Plan shows this route along with a couple of other routes. They weren't sure but now they are sure on the route. They are ready to start buying property.

Chairman Clifton asked if there was anyone who wanted to speak for or against this.

Chairman Clifton asked for a roll call vote on the application.

Alexander	Yes	Foster	Yes
Armstrong	Yes	Parker	Yes
Belasco	Yes	White	Yes
Dietz	Yes	Clifton	Yes

Public Comments/Adjournment:

A motion to adjourn was made and seconded. The motion passed with eight (8) affirmative votes and the meeting was adjourned at 5:45 pm.

Passed: _____

Respectfully Submitted:

Norman Clifton, Chairman

Robert Voyles, Director